



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,808	10/30/2003	Paul H. Sanderson	SANP-0018DIV1	1329

20558 7590 03/15/2004
KONNEKER & SMITH P. C.
660 NORTH CENTRAL EXPRESSWAY
SUITE 230
PLANO, TX 75074

EXAMINER

CHAMBERS, TROY

ART UNIT	PAPER NUMBER
----------	--------------

3641

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,808

Applicant(s)

SANDERSON, PAUL H.

Examiner

Troy Chambers

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-98 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-98 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-14, drawn to an armament apparatus, classified in class 89, subclass 37.16.
 - II. Claims 15-20, drawn to an armament apparatus, classified in class 89, subclass 37.16.
 - III. Claims 21-25, drawn to an armament apparatus, classified in class 89, subclass 37.16.
 - IV. Claims 26-32, drawn to an armament apparatus, classified in class 89, subclass 37.11.
 - V. Claims 33-35, drawn to a machine gun mounting apparatus, classified in class 89, subclass 37.11.
 - VI. Claims 36-40, drawn to a machine gun mounting apparatus, classified in class 89, subclass 37.07.
 - VII. Claims 41-44, drawn to an armament apparatus, classified in class 89, subclass 37.13.
 - VIII. Claims 45-49, drawn to an armament apparatus, classified in class 89, subclass 37.16.
 - IX. Claims 50-52, drawn to an armament apparatus, classified in class 89, subclass 37.16.

Art Unit: 3641

- X. Claims 53-61, drawn to an armament apparatus, classified in class 89, subclass 37.16.
- XI. Claims 62-66, drawn to a belted ammunition storage and feed apparatus, classified in class 89, subclass 33.14.
- XII. Claims 67-71, drawn to an armament apparatus, classified in class 89, subclass 33.14.
- XIII. Claims 72-75, drawn to a method of controlling a machine gun, classified in class 89, subclass 37.11.
- XIV. Claims 76-79, drawn to a method of constructing an ammunition storage and feed box, classified in class 89, subclass 33.14.
- XV. Claims 80-82, drawn to a method of mounting a machine gun on a support structure, classified in class 89, subclass 37.07.
- XVI. Claims 83-88, drawn to a method of arming an aircraft, classified in class 89, subclass 37.16.
- XVII. Claims 89-92, drawn to a method of arming an aircraft, classified in class 89, subclass 37.16.
- XVIII. Claims 93-96, drawn to a method of arming an aircraft, classified in class 89, subclass 37.19.
- XIX. Claims 97 and 98, drawn to a method of arming an aircraft, classified in class 89, subclass 37.13.

The inventions are distinct, each from the other because of the following reasons:

Art Unit: 3641

2. Inventions (I or II) and any one of III-X are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require an elevation limiting structure (IV and V) nor a machine gun trunnion nut (VI) associated with the machine gun support structure. The Groups designated as subcombination may be used in a vehicle other than an aircraft, for example, a tank.

3. Inventions I, II or III and any one of XI to XV and XVII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because none of the inventions claims similar elements.

4. Inventions (I or II) and (XVIII or XIX) are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product does not require a flare dispenser.

Art Unit: 3641

5. Inventions III-XII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, each subcombination (e.g. the flares, external stores, etc.) has separate utility such as a flare, external store, (etc.) for a tank or other land vehicle. See MPEP § 806.05(d).

6. Inventions II and XVI are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product does not require supporting external stores.

7. Inventions III and VI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions do not disclose elements in common.

8. Inventions III and any one of (IV, V, VIII or IX) are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV, V, VIII or IX has separate utility such as when they are used with an apparatus other than an aircraft, for example, a tank. See MPEP § 806.05(d).

9. Inventions III and (XVI, XVIII or XIX) are related as process of making and product made. The inventions are distinct if either or both of the following can be

Art Unit: 3641

shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case invention III does not require the securing of a mounting member, securing of a flare or securing of belted ammunition, respectively.

10. Inventions IV and VI are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require the machine gun mounting apparatus to have a trunion nut. The subcombination has separate utility such as a machine gun mounting apparatus for a tank.

11. Inventions IV and any one of VII-X and XII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention any one of VII-X and XII recite subcombination elements that have a utility for a device other than an aircraft, for example, a tank. See MPEP § 806.05(d).

12. Inventions IV and any one of XI, XIV, XV or XVII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP §

Art Unit: 3641

806.04, MPEP § 808.01). In the instant case the different inventions recite elements or steps not common to one another.

13. Inventions IV and any one of XVI, XVIII or XIX are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the apparatus requires neither the supporting of external stores, securing of flares.

14. Inventions IV and XIII are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the method does not require a landing gear structure.

15. Inventions V and any one of VI-IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, inventions V and any one of VI-IX all disclose separate parts useable together in a single armament apparatus. See MPEP § 806.05(d).

16. Inventions X and V are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and

(2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require and elevation limiting structure. The subcombination has separate utility such as an elevation limiting structure for a tank-mounted machine gun.

17. Inventions V and any one of XI, XII, XIV, XV or XVII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions recite elements or steps not common to one another.

18. Inventions V and any on of XIII or XVI are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the method does not require a support member having spaced apart first and second portions or an elevation limiting structure.

19. Inventions V and any one of XVIII or XIX are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and

Art Unit: 3641

materially different process (MPEP § 806.05(f)). In the instant case the apparatus does not require the securing of a flare dispenser.

20. Inventions VI and any one of VII-XIV or XVII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions recite elements or steps not common to one another.

21. Inventions VI and any one of XV, XVIII or XIX are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the apparatus does not require mounting a machine gun on a support or securing a flare dispenser.

22. Inventions VI and XVI are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the method does not require a machine gun trunnion.

23. Inventions VII and any one of VIII-X are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each

Art Unit: 3641

other if they are shown to be separately usable. In the instant case, invention IX has separate utility such as a FLIR for a tank. See MPEP § 806.05(d).

24. Inventions VII and any one of XI, XII, XIV, XV or XVII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions In the instant case the different inventions recite elements or steps not common to one another.

25. Inventions VII and any one of XIII, XVI, XVIII or XIX are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the apparatus does not require the variability of range, securing of a mounting member, or the securing of a flare.

26. Inventions VIII and any one of IX, X or XII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IX has separate utility such as a flare dispenser for a tank. See MPEP § 806.05(d).

27. Inventions VIII and any one of XI, XIV, XV or XVII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP §

Art Unit: 3641

806.04, MPEP § 808.01).). In the instant case the different inventions recite elements or steps not common to one another.

28. Inventions VIII and any one of XIII, XVI, XVIII or XIX are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the apparatus does not require range limiting, supporting of external stores, providing an elongate member or the securing of a belted ammunition box.

29. Inventions IX and any one of XI, XIII-XVI, XVIII or XIX are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions recite elements or steps not common to one another.

30. Inventions IX and any one of X or XII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IX has separate utility such as a FLIR for a tank. See MPEP § 806.05(d).

31. Inventions XI and any one of XIII, or XV-XVIII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP §

Art Unit: 3641

806.04, MPEP § 808.01). In the instant case the different inventions recite elements or steps not common to one another.

32. Inventions XI and XIX are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the apparatus does not require the securing of a hollow support block.

33. Inventions XII and any one of XV, XVI or XVII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions recite elements or steps not common to one another.

34. Inventions XII and any one of XVIII or XIX are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the apparatus does not require the securing of flare dispensers.

35. Any one of Invention XIII-XIX as compared to one another are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different

Art Unit: 3641

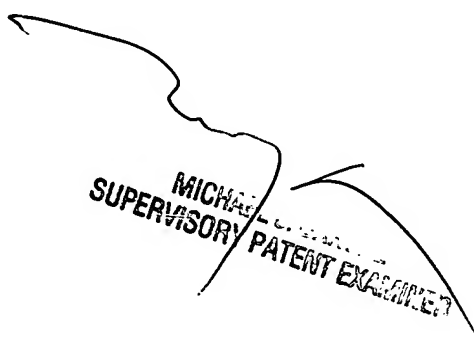
effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are mutually exclusive methods of making.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is (703) 308-5870. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone, can be reached at (703) 306-4198.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.


MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER